

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

| | | |
|------------------------------------|---|-------------------------|
| JAMES W. THURMAN |) | |
| |) | |
| <i>Plaintiff,</i> |) | |
| |) | No. 1:21-cv-00186 |
| v. |) | |
| |) | Judge Curtis L. Collier |
| DERREK SAXE; JOE GUY, Sheriff, and |) | |
| JERRY WATTENBERG, |) | |
| |) | |
| <i>Defendants.</i> |) | |

JUDGMENT ORDER

United States Magistrate Judge Christopher H. Steger filed a report and recommendation (the “R&R”) on whether Plaintiff’s action was frivolous or malicious, fails to state a claim upon which relief can be granted, or seeks monetary relief against a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2). (Doc. 14 at 1.) Plaintiff brought a claim under 42 U.S.C. § 1983 alleging that Defendants came to his house on November 11, 2021, to discuss a gun and that they did not wear masks while doing so. Plaintiff alleges that he could have died because they did not wear masks. (*Id.*) The R&R recommends this action be dismissed without prejudice because the action is frivolous and there “is no constitutional cause of action solely for moral indignation.” (*Id.* at 2.) Specifically, “Plaintiff does not allege that he became ill after Defendants’ visit, nor does he state which constitutional provision Defendants allegedly violated.” (*Id.* at 1.) Neither party has objected to the R&R within fourteen days.

After reviewing the record, the Court agrees with the R&R (Doc. 14). The Court hereby **ACCEPTS** and **ADOPTS** the R&R (Doc. 14), and the case is **DISMISSED WITHOUT PREJUDICE**.

SO ORDERED.

ENTER:

/s/
CURTIS L. COLLIER
UNITED STATES DISTRICT JUDGE

ENTERED AS A JUDGMENT

s/ LeAnna R. Wilson

CLERK OF COURT